

EXHIBIT 1

No. 2013-1665, -1666, -1667

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

ADJUSTACAM, LLC,

Plaintiff-Appellant,

v.

NEWEGG, INC., NEWEGG.COM, INC. and ROSEWILL, INC.,

Defendants-Cross-Appellants,

and

SAKAR INTERNATIONAL, INC.,

Defendant-Cross-Appellant

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS IN CASE NO. 10-CV-0329,
CHIEF JUDGE LEONARD DAVIS

**CROSS-APPELLANTS NEWEGG INC., NEWEGG.COM INC. AND
ROSEWILL INC.'S NOTICE OF POST-JUDGMENT MOTION**

JOHN N. ZARIAN
DANA M. HERBERHOLZ
PARSONS BEHLE & LATIMER
960 Broadway Avenue, Suite 250
Boise, Idaho 83706
(208) 562-4900
Attorneys for Defendants-Appellants
NEWEGG INC., NEWEGG.COM INC.
and ROSEWILL INC.

October 1, 2013

Cross-Appellants Newegg Inc., Newegg.com Inc. and Rosewill Inc. hereby notify the Court that a post-judgment motion is currently pending before the trial court.

On August 20, 2013 the trial court entered Final Judgment (Dkt. No. 762). On September 5, 2013, Cross-Appellants filed their Motion (Dkt. No. 763) to Correct or, in the Alternative, Amend the trial court's Final Judgment to include an award of taxable costs to Newegg Inc., Newegg.com Inc. and Rosewill Inc. By that motion, Cross-Appellants seek relief pursuant to Federal Rule of Civil Procedure 60(a) or, in the alternative, Federal Rule of Civil Procedure 59(e).

Cross-Appellants' September 5 motion is a post-judgment motion listed in Rule 4(a)(4)(A)¹; therefore, the notices of appeal subsequently filed on September 17, 2013 (Dkt. Nos. 764 & 765) and September 18, 2013 (Dkt. No. 768) shall become effective when the district court disposes of that motion. FRAP 4(a)(4)(B)(i).

Based on the foregoing, Cross-Appellants respectfully request that the Clerk deactivate this appeal to allow the district court to rule on the post-judgment motion currently pending before the district court.

¹ Specifically, the motion is both a motion "to alter or amend the judgment under Rule 59," FRAP 4(a)(4)(A)(iv), and a motion "for relief under Rule 60 ... filed no later than 28 days after the judgment is entered," FRAP 4(a)(4)(A)(vi).

DATED this 1st day of October, 2013.

/s/ Dana M. Herberholz

JOHN N. ZARIAN

DANA M. HERBERHOLZ

PARSONS BEHLE & LATIMER

Counsel for Defendants-Appellants
NEWEGG INC., NEWEGG.COM INC. and
ROSEWILL INC.